



November 18, 1999

Mr. J. Robert Giddings
Attorney
The University of Texas System
201 West Seventh Street
Austin, Texas 78701-2981

OR99-3316

Dear Mr. Giddings:

You ask whether certain information is subject to required public disclosure under chapter 552 of the Government Code. Your request was assigned ID# 129955.

The University of Texas System and the University of Texas at Austin received requests from the same requestor for information related to Proposition 17 and the University of Texas "Hook the Vote" campaign. You advise that the request relates to a proposed constitutional amendment to appear on the state ballot in November 1999, pursuant to House Joint Resolution 58, 76th Legislature. You also advise that responsive information relating to the "Hook the Vote" campaign will be released, as well as responsive information generated after the legislative session. You seek to withhold the remaining portions of the responsive information under sections 552.101, 552.106, 552.107, and 552.111 of the Government Code. You have submitted representative samples of the information at issue.¹

Section 552.106 protects drafts and working papers involved in the preparation of proposed legislation. The purpose of the exception is similar to that of section 552.111: to encourage frank discussion on policy matters between the subordinates or advisors of a legislative body and the legislative body and to thereby protect the internal "deliberative" or policy-making processes of a governmental body. Open Records Decision No. 460 (1987). Section 552.106 does not except purely factual material; rather, it excepts only policy judgments,

¹We assume that the "representative sample" of records submitted to this office is truly representative of the requested records as a whole. See Open Records Decision No. 499 (1988), 497 (1988) (where requested documents are numerous and repetitive, governmental body should submit representative sample; but if each record contains substantially different information, all must be submitted). This open records letter does not reach, and therefore does not authorize the withholding of, any other requested records to the extent that those records contain substantially different types of information than that submitted to this office.

recommendations, and proposals involved in the preparation of proposed legislation. Section 552.106 applies only to drafts and working papers prepared by persons with some official responsibility to prepare them for the legislative body. *Id.*

Having reviewed your arguments and the submitted information, we conclude that you may withhold most of the submitted information under section 552.106. We do not address your other claimed exceptions regarding the information at issue, except to note that the submitted information which we have found not to be within the scope of section 552.106 is not, in our opinion subject to such other exceptions. We have marked the portions of the submitted information which must be released.

We note also that some of the information responsive to the request may be public under section 552.022. For example, the requestor sought various "appropriations, receipts, and other financial records" relating to governmental expenditures. Subsection (3) of section 552.022 requires disclosure of "information in an account, voucher, or contract relating to the receipt or expenditure of public or other funds by a governmental body" except for materials which are confidential by law. Although none of the information you submitted as a representative sample appears to be within the scope of section 552.022(3), it may be that such "accounts, vouchers, or contracts" are among the responsive information which you seek to withhold. If that is the case, you must release such information pursuant to section 552.022(3). We advise you also to consider whether any of the other portions of the information which you sought to withhold but did not submit are within the scope of the other provisions of section 552.022, which generally requires release of materials not confidential by law. *See, e.g., id* subsection (5) ("all working papers, research material, and information used to estimate the need for or expenditure of public funds or taxes [is public unless confidential by law] . . . on completion of the estimate").

We are resolving this matter with an informal letter ruling rather than with a published open records decision. This ruling is limited to the particular records at issue under the facts presented to us in this request and should not be relied upon as a previous determination regarding any other records. If you have questions about this ruling, please contact our office.

Sincerely,

A handwritten signature in dark ink, appearing to read 'William Walker', with a stylized, wavy line extending from the end.

William Walker
Assistant Attorney General
Open Records Division

WMW/ljp

Ref: ID# 129955

Encl. Submitted documents

cc: Mr. Mark Levin
President
Students for Affordable Education
2002-A Guadalupe Street, PMB 284
Austin, Texas 78705
(w/o enclosures)